

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,567	09/15/2003	Alexander Manu	71364-459	7983
20915 7590 10/31/2007 EXAMINER MCGARRY BAIR PC				INER
32 Market Ave. SW SUITE 500 GRAND RAPIDS, MI 49503			MARTINEZ, BRITTANY M	
			ART UNIT	PAPER NUMBER
GRAND RAIT	D5, WII 47505		4116	
			MAIL DATE	DELIVERY MODE
			10/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

•		Application No.	Applicant(s)			
		10/661,567	MANU, ALEXANDER			
	Office Action Summary	Examiner	Art Unit			
		Brittany M. Martinez	4116			
	The MAILING DATE of this communication app	pears on the cover sheet with the c	orrespondence address			
Period fo	•					
WHIC - Exte after - If NC - Failt Any	CORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DAY INSIDE THE MAILING DAY IN STATE THE MAILING	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin vill apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C-§ 133).			
Status	·					
1)⊠	Responsive to communication(s) filed on 15 Se	entember 2003				
2a)□	•	action is non-final.				
3)						
,	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposit	ion of Claims					
_	Claim(s) 62-93 is/are pending in the application	,				
7)24	4a) Of the above claim(s) <u>79-93</u> is/are withdrawn from consideration.					
5)□	5) Claim(s) is/are allowed.					
	6)⊠ Claim(s) <u>62-78</u> is/are rejected.					
-	Claim(s) is/are objected to.					
-	Claim(s) are subject to restriction and/or	r election requirement.				
	ion Papers		•			
	The specification is objected to by the Examine					
10)⊠	10)⊠ The drawing(s) filed on <u>15 September 2003</u> is/are: a)□ accepted or b)⊠ objected to by the Examiner.					
	Applicant may not request that any objection to the		• •			
441	Replacement drawing sheet(s) including the correct	• •	•			
11)[	The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action of form PTO-152.			
Priority (	under 35 U.S.C. § 119	•				
-	Acknowledgment is made of a claim for foreign All b) Some * c) None of:	priority under 35 U.S.C. § 119(a)	)-(d) or (f).			
	1. Certified copies of the priority documents have been received.					
	2. Certified copies of the priority documents have been received in Application No					
	3. Copies of the certified copies of the priority documents have been received in this National Stage					
	application from the International Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of the certified copies not received.						
	•					
Attachmen	ut(s)		•			
	ce of References Cited (PTO-892)	4) Interview Summary	(PTO-413)			
2) 🔲 Notic	ce of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da	ate			
	mation Disclosure Statement(s) (PTO/SB/08) er No(s)/Mail Date 1/20/2004 and 2/23/2004.	5)  Notice of Informal P 6)  Other:	асель Аррисацоп			

### **DETAILED ACTION**

Citation to the Specification will be in the following format (S. #,LL) where # denotes the page number and LL is the line number. Citation to patent literature will be in the format (Inventor, #, LL) where # is the column number and LL is the line number.

### Status of Application

Applicant's election without traverse of Group IV (Claims 62-78) in the reply filed on September 20, 2007 is acknowledged.

Claims 79-93 are withdrawn from further consideration pursuant to CFR 1.12(b) as being drawn to a nonelected invention.

### **Priority**

Applicant's claim for benefit in regard to provisional application No. 60/410327, filed September 13, 2002, is acknowledged.

#### Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a

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separate paper." Page 15 of the instant specification contains reference to a test method (S. 15, 16-17) that does not appear on the information disclosure statement. Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

#### Title

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Process for Processing Organic Waste.

## Specification

The instant specification is too lengthy, and it is suggested that Applicant shortens the disclosure. Much of the specification utilizes indefinite language and lacks antecedent basis. It appears as if "...supernatant water can again be poured of the top..." (S. 16, 9) should read "...supernatant water can again be poured off the top..." The extra space between "have" and "started" in the first line of page 20 of the instant specification should be omitted. On page 21 of the instant, "required" in lines 5 and 7 should be changed to "require." The extra space between "to" and "start" in line 24 of page 25 of the instant specification should be omitted. On page 27 of the instant, "blades" should be changed to "blade" in line 16. On page 31, line 25, of the instant,

"reservoir 136" should be changed to "receptacle 136" in order to be consistent. It appears as if "...retained **bu** the track..." (S. 34, 2) should read "...retained **by** the track..." *Applicants are strongly encouraged to review the entire application for these mistakes, as well as other spelling and grammar errors*. Appropriate correction is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

### Drawings -

- 3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "10" has been used to designate both the brick in Figure 2A and "various bricks or solids of different shapes" (S. 13, 23) in Figure 2B.
- 4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "48" has been used to designate both the sink bottom (S. 23, 5-6) and line (S. 33, 25, 29, and 31 and 34, 8).
- 5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

- 6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "32" and "36" have both been used to designate the receiving module (S. 22, 7).
- 7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "32" and "44" have both been used to designate the processing module (S. 23, 23 and 25).
- 8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "50" and "52" have both been used to designate the gate (S. 25, 3 and 28, 6).
- 9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "32" and "30" have both been used to designate the receiving module (S. 26, 10).
- 10. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "40" and "50" have both been used to designate the system controller (S. 29, 4 and 19).
- 11. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin

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as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

- 12. The drawings are objected to for the following reasons:
  - In the detailed description of Figure 7, the specification refers to gate 52 in part A (S. 23, 18); however, gate 52 is not labeled in part A of Figure 7.

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- In the detailed descriptions of the various figures, it is often unclear to
  which figure is being referred. This is a particular problem with the
  descriptions of Figures 6 and 8 beginning in paragraph [0057] of page 26.
- The "...two blade pulleys..." (S. 27, 14) of the detailed description are not accompanied by a corresponding reference character.
- The "...gas flow..." (S. 30, 19) of the detailed description is not accompanied by a corresponding reference character.
- In Figure 5, reference characters "32" and "30" both refer to the same aspect of the figure and should be separated in order to accurately depict the apparatus.

### MPEP § 1.84 states:

"...(b) Photographs .—

(1) Black and white . Photographs, including photocopies of photographs, are not ordinarily permitted in utility and design patent applications. The Office will accept photographs in utility and design patent applications, however, if photographs are the only practicable medium for illustrating the claimed invention. For example, photographs or photomicrographs of: electrophoresis

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gels, blots (e.g., immunological, western, Southern, and northern), autoradiographs, cell cultures (stained and unstained), histological tissue cross sections (stained and unstained), animals, plants, in vivo imaging, thin layer chromatography plates, crystalline structures, and, in a design patent application, ornamental effects, are acceptable. If the subject matter of the application admits of illustration by a drawing, the examiner may require a drawing in place of the photograph. The photographs must be of sufficient quality so that all details in the photographs are reproducible in the printed patent....

- (2) Partial views . When necessary, a view of a large machine or device in its entirety may be broken into partial views on a single sheet, or extended over several sheets if there is no loss in facility of understanding the view. Partial views drawn on separate sheets must always be capable of being linked edge to edge so that no partial view contains parts of another partial view. A smaller scale view should be included showing the whole formed by the partial views and indicating the positions of the parts shown. When a portion of a view is enlarged for magnification purposes, the view and the enlarged view must each be labeled as separate views.
- (i) Where views on two or more sheets form, in effect, a single complete view, the views on the several sheets must be so arranged that the complete figure can be assembled without concealing any part of any of the views appearing on the various sheets.
- (ii) A very long view may be divided into several parts placed one above the other on a single sheet. However, the relationship between the different parts must be clear and unambiguous.
- Sectional views. The plane upon which a sectional view is taken should be indicated on the view from which the section is cut by a broken line. The ends of the broken line should be designated by Arabic or Roman numerals corresponding to the view number of the sectional view, and should have arrows to indicate the direction of sight. Hatching must be used to indicate section portions of an object, and must be made by regularly spaced oblique parallel lines spaced sufficiently apart to enable the lines to be distinguished without difficulty. Hatching should not impede the clear reading of the reference characters and lead lines. If it is not possible to place reference characters outside the hatched area, the hatching may be broken off wherever reference characters are inserted. Hatching must be at a substantial angle to the surrounding axes or principal lines, preferably 45°. A cross section must be set out and drawn to show all of the materials as they are shown in the view from which the cross section was taken. The parts in cross section must show proper material(s) by hatching with regularly spaced parallel oblique strokes, the space between strokes being chosen on the basis of the total area to be hatched. The various parts of a cross section of the same item should be hatched in the same manner and should accurately and graphically indicate the nature of the material(s) that is illustrated in cross section. The hatching of

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juxtaposed different elements must be angled in a different way. In the case of large areas, hatching may be confined to an edging drawn around the entire inside of the outline of the area to be hatched. Different types of hatching should have different conventional meanings as regards the nature of a material seen in cross section.

- (4) Alternate position. A moved position may be shown by a broken line superimposed upon a suitable view if this can be done without crowding; otherwise, a separate view must be used for this purpose.
- (5) Modified forms . Modified forms of construction must be shown in separate views....
- (k) Scale . The scale to which a drawing is made must be large enough to show the mechanism without crowding when the drawing is reduced in size to two-thirds in reproduction. Indications such as "actual size" or "scale 1/2" on the drawings are not permitted since these lose their meaning with reproduction in a different format.
- (I) Character of lines, numbers, and letters. All drawings must be made by a process which will give them satisfactory reproduction characteristics. Every line, number, and letter must be durable, clean, black (except for color drawings), sufficiently dense and dark, and uniformly thick and well-defined. The weight of all lines and letters must be heavy enough to permit adequate reproduction. This requirement applies to all lines however fine, to shading, and to lines representing cut surfaces in sectional views. Lines and strokes of different thicknesses may be used in the same drawing where different thicknesses have a different meaning.
- (m) Shading . The use of shading in views is encouraged if it aids in understanding

the invention and if it does not reduce legibility. Shading is used to indicate the surface or shape of spherical, cylindrical, and conical elements of an object. Flat parts may also be lightly shaded. Such shading is preferred in the case of parts shown in perspective, but not for cross sections. See paragraph (h)(3) of this section. Spaced lines for shading are preferred. These lines must be thin, as few in number as practicable, and they must contrast with the rest of the drawings. As a substitute for shading, heavy lines on the shade side of objects can be used except where they superimpose on each other or obscure reference characters. Light should come from the upper left corner at an angle of 45°. Surface delineations should preferably be shown by proper shading. Solid black shading areas are not permitted, except when used to represent bar graphs or color...

- (p) Numbers, letters, and reference characters.
- (1) Reference characters (numerals are preferred), sheet numbers, and view numbers must be plain and legible, and must not be used in association with brackets or inverted commas, or enclosed within outlines, e.g., encircled. They must be oriented in the same direction as the view so as to avoid having to rotate the sheet. Reference characters should be arranged to follow the profile of the object depicted...

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- (3) Numbers, letters, and reference characters must measure at least.32 cm. (1/8 inch) in height. They should not be placed in the drawing so as to interfere with its comprehension. Therefore, they should not cross or mingle with the lines. They should not be placed upon hatched or shaded surfaces. When necessary, such as indicating a surface or cross section, a reference character may be underlined and a blank space may be left in the hatching or shading where the character occurs so that it appears distinct.
- (4) The same part of an invention appearing in more than one view of the drawing must always be designated by the same reference character, and the same reference character must never be used to designate different parts.
- (5) Reference characters not mentioned in the description shall not appear in the drawings. Reference characters mentioned in the description must appear in the drawings.
- (q) Lead lines . Lead lines are those lines between the reference characters and the details referred to. Such lines may be straight or curved and should be as short as possible. They must originate in the immediate proximity of the reference character and extend to the feature indicated. Lead lines must not cross each other. Lead lines are required for each reference character except for those which indicate the surface or cross section on which they are placed. Such a reference character must be underlined to make it clear that a lead line has not been left out by mistake. Lead lines must be executed in the same way as lines in the drawing. See paragraph (I) of this section.
- (r) Arrows . Arrows may be used at the ends of lines, provided that their meaning is clear, as follows:
- (1) On a lead line, a freestanding arrow to indicate the entire section towards which it points;
- (2) On a lead line, an arrow touching a line to indicate the surface shown by the line looking along the direction of the arrow; or
- (3) To show the direction of movement..."

Figures 2A, 2B, 5, 6, and 8 are especially in need of correction. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the

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appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### Abstract

13. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;

(4) if a mixture, its ingredients;

(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

14. The abstract of the disclosure is objected to because it exceeds 150 words in length, utilizes words that lack antecedent basis, and contains indefinite language.

Correction is required. See MPEP § 608.01(b).

## Claim Rejections - 35 USC § 112

- 15. The following is a quotation of the second paragraph of 35 U.S.C. 112:
  - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 16. Claims 62 and 76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 17. Claim 76 recites the limitation "the heating" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.
- 18. The term "generally" in **Claim 62** is a relative term which renders the claim indefinite. The term "generally" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. This term "generally" renders the presence of odors, and thus the moisture content indefinite.

Line 2 of Claim 69 reads: "...the mixture." It is unclear if this limitation refers to "the mixture" of Claim 66 or "the shaped mixture" of Claim 67. Clarification is required.

## Claim Rejections - 35 USC § 102

19. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 20. Claims 62-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Kubota et al. (US 5,634,600).

Kubota teaches the production of dried pieces of organic waste via the reduction of raw organic waste to pieces (Kubota, "Abstract") and drying of the raw organic waste to a moisture content characteristic of lack of malodor (Kubota, 1, 29-35 and 4, 45-67), substantially as in **Claim 62** of the instant application. Furthermore, Kubota teaches reduction of the organic waste post drying (Kubota, Claim 2), substantially as in **Claim 63** of the instant.

# Claim Rejections - 35 USC § 103

- 21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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22. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 64-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enfield (US 3,819,456) in view of Kubota et al. (US 5,634,600).

With respect to **Claims 64-68**, Enfield teaches the production of dried pieces of organic waste via the reduction of raw organic waste to pieces (Enfield, "Abstract," Claim 1(a), and "Figure 1"); mixing of dried organic waste pieces, water, and a biodegradable binder (Enfield, "Abstract," Claim 1(b), and "Figure 1"); formation of a shape from the mixture (Enfield, "Abstract," Claim 1(d), and "Figure 1"); and drying of the shaped mixture to form a solid (Enfield, "Abstract," Claim 1(f), and "Figure 1"). Enfield does not explicitly teach the heating of the shaped mixture (**Claim 68**). Kubota teaches heating and drying of the waste by a heating means (Kubota, "Abstract"). Thus, it would have been obvious to one of ordinary skill in the art to modify the process taught by Enfield with a heating means responsible for both drying and heating as taught by Kubota in order to maximize the efficiency of waste processing and minimize wasteful use of energy.

With respect to Claims 69-73, Enfield does not teach the removal of liquid water from the organic waste mixture (Claim 69), the reuse of the recovered water (Claim

70), the capture of water vapor resulting from drying of the shaped organic waste mixture (Claim 71), the conversion of the captured water vapor to liquid water (Claim 72), and the reuse of the captured water (Claim 73). Kubota teaches the removal of liquid water from the organic waste mixture, the reuse of the recovered water (Kubota, 1, 13-24), the capture of water vapor resulting from drying of the shaped organic waste mixture, the conversion of the captured water vapor to liquid water, and the reuse of the captured water (Kubota, 1, 13-24 and 1, 45-63). Thus, it would have been obvious to one of ordinary skill in the art to modify the process taught by Enfield with the water treatment taught by Kubota in order to maximize the efficiency of waste processing and minimize wasteful use of water.

With respect to Claims 74-78, Enfield does not teach a carbohydrate as the biodegradable binder (Claims 75 and 77), the derivation of the biodegradable binder from the organic waste (Claim 74), nor the heat activation of the biodegradable binder (Claims 76 and 78). Kubota teaches a carbohydrate as the biodegradable binder (Kubota, Claim 1(b)). Furthermore, the presence of carbohydrates in reduced organic waste would have been common knowledge to a person of ordinary skill in the art at the time of the invention. Characteristic heat activation of carbohydrates as binders also would have been common knowledge to a person of ordinary skill in the art at the time of the invention. Thus, it would have been obvious to a person of ordinary skill in the art to try to modify the process disclosed by Enfield with a carbohydrate as a biodegradable binder as taught by Kubota because one of ordinary skill in the art could have pursued

the known potential options for maximizing process efficiency and minimizing process costs within his or her technical grasp with a reasonable expectation of success.

### Conclusion

- 1. No claim is allowed.
- 2. In general, prior art renders the claimed invention anticipated and obvious.
- 3. Applicant is required to provide pinpoint citation to the specification (i.e. page and paragraph number) to support any amendments to the claims in all subsequent communication with the examiner. **No new matter will be allowed.**
- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brittany M. Martinez whose telephone number is (571) 270-3586. The examiner can normally be reached Monday-Thursday 6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vickie Kim can be reached on (571) 272-0579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**BMM** 

SUPERVISORY PATENT EXAMINER